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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE

APPLICANT: Smith GROUP ART UNIT: 3751
SERIAL NO.: 09/510,087 EXAMINER: D. Walczak
FILING DATE: February 22, 2000 ATTY. DOCKET NO.: EVS-P-99-017
INVENTION: "A MARKING DEVICE, A METHOD OF USING THE SAME AND AN ACCESSORY KIT FOR THE MARKING DEVICE"

Asst. Commissioner of Patents
Washington, D.C. 20231

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S I R:

In response to the Office Action dated October 11, 2000, Applicant elects Species II for immediate examination.

Correct

REMARKS

This Response is submitted in response to the Office Action dated October 11, 2000. In the Office Action, the Patent Office required an election of species under 35 U.S.C. §121. Specifically, the Patent Office submits that the application is directed to the following distinct species: Species I (Figure 1); Species II (Figure 2); and Species III (Figure 3). Additionally, the Patent Office submits that Claims 1, 2, 5-8 and 15-18 were considered to be generic. In compliance with the election of species requirement under 35 U.S.C. §121, Applicant provisionally elects Species II (Figure 2).

Claims 1-11 and 14-19 read on Species II. Applicant, therefore, requests immediate examination of these claims.

If any outstanding issues remain, Applicant urges the Patent